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542

BEFORE THE
SHORELINES HEARINGS BOARD
AND
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF)
STATE OF WASHINGTON,)
DEPARTMENT OF ECOLOGY, and)
SLADE GORTON, ATTORNEY GENERAL,)
and P.R.O.W. (PROTECTING AND)
RESTORING OUR WATERFRONTS), a)
Washington non-profit corporation,)
and CAROL BRITTON, WILLIAM BRITTON,)
ROBERT TURPIN and JUSTINE TURPIN,)
Appellants,)
v.)
CITY OF OLYMPIA, PORT OF OLYMPIA,)
WASHINGTON STATE DEPARTMENTS OF)
FISHERIES, GAME and ECOLOGY and)
ALL APPROVING AGENCIES,)
Respondents.)

PCHB No. 910
SHB Nos. 200, 200-A

ECPA No. 3
ORDER OF REMAND
AND DISMISSAL

Pre-hearing conferences were held in this matter on November 14,
1975, December 3, 1975, and December 9, 1975. Having considered the
results of these conferences and the files pertinent to this request
for review, it is apparent to the Boards that no hearing on the merits

1 of this matter can proceed without clarification and refinement of
2 the action and proceedings below. Specifically, clarity and refinement
3 are necessary as to:

4 1) the acceptance by the Department of Ecology of the validity
5 of the certification required under RCW 90.62.100(1),

6 2) a consensus as to the actual scope and parameters of the
7 proposed project,

8 3) an identification of those state and/or local agencies which do
9 in fact have "permit" requirements as defined in RCW 90.62.020(4)
10 applicable to the proposed project.

11 4) a consequent determination as to which state and/or local
12 agencies were required to issue a "final decision" as defined in
13 RCW 90.62.060(4) to be transmitted per RCW 90.62.060(6), and

14 5) the particular documents and proceedings which are deemed to
15 constitute the record below in this matter.

16 RCW 90.62.040 et seq. having given the Department of Ecology
17 statutory responsibility for the effective and expeditious processing of
18 master applications and there being no objection by any party to the
19 entry of this Order, now therefore

20 IT IS ORDERED that SHB 200, 200-A, and PCHB 910, consolidated by
21 the Boards as E.C.P.A. 3, be and the same is hereby remanded to the
22 Department of Ecology for further action and/or proceedings pursuant to
23 its statutory responsibilities and the concerns stated as 1) through 5)
24 of this Order.

25
26 ORDER OF REMAND
27 AND DISMISSAL

1 IT IS FURTHER ORDERED that the request for review captioned
2 E.C.P.A. 3 be and the same is hereby dismissed without prejudice as to
3 any future appeal filed from a transmittal executed by the Department of
4 Ecology pursuant to RCW 90.62.040(6) and responsive to the remand of
5 the Boards.

6 DATED this 6th day of January, 1976.

7 SHORELINES HEARINGS BOARD

POLLUTION CONTROL HEARINGS BOARD

8 Chris Smith
9 CHRIS SMITH, Chairman

Chris Smith
CHRIS SMITH, Chairman

10 Ralph A. Beswick
11 RALPH A. BESWICK, Member

W. A. Gissberg
W. A. GISSBERG, Member

12 W. A. Gissberg
13 W. A. GISSBERG, Member

Walt Woodward
WALT WOODWARD, Member

14 Walt Woodward
15 WALT WOODWARD, Member

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27 ORDER OF REMAND
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CERTIFICATION OF MAILING

I, Dolores Osland, certify that I deposited in the United States mail, copies of the foregoing document on the 6th day of January, 1976, to each of the following-named parties, at the last known post office addresses, with the proper postage affixed to the respective envelopes:

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Assistant Attorney General
Department of Ecology
St. Martin's College
Olympia, Washington 98504

Mr. Fred D. Gentry
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St. Martin's College
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Mr. David Heiser
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Recreation Commission
P. O. Box 1128
Thurston Airdustrial Center
Olympia, Washington 98504

Mr. Tom Elwell
Marine Biologist
Environmental Review
Department of Ecology
St. Martin's College
Olympia, Washington 98504

Dolores Osland
DOLORIES OSLAND, Clerk of the
SHORELINES HEARINGS BOARD

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17 statutory responsibility for the effective and expeditious processing of
18 raster applications and there being no objection by any party to the
19 entry of this Order, now therefore

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10 R. A. Beswick
11 RALPH A. BESWICK, Member

12 W. A. Gissberg
13 W. A. GISSBERG, Member

14 Walt Woodward
15 WALT WOODWARD, Member

POLLUTION CONTROL HEARINGS BOARD

Chris Smith
CHRIS SMITH, Chairman

W. A. Gissberg
W. A. GISSBERG, Member

Walt Woodward
WALT WOODWARD, Member

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